

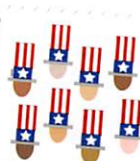
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The Honorable Judge William H. Alsup
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 8, 19th Floor
San Francisco, CA 94102
Attn: Courtroom Deputy

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NORTH DISTRICT OF CALIFORNIA



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August 28, 2020

The Honorable Judge William H. Alsup by hand delivery
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 8, 19th Floor
San Francisco, CA 94102
Attn: Courtroom Deputy

Re: Luke Brugnara
U.S. v. Brugnara, CR-14-0306 WHA

Dear Sir or Madam:

Luke Brugnara, who is currently incarcerated at Santa Rita County Jail, has asked me to forward to you the enclosed original and copy of his handwritten declaration. This declaration addresses the circumstances surrounding his transfer from the San Francisco halfway house operated by Core Group to Santa Rita County Jail on an alleged rules infraction that occurred in the beginning of July 2020.

Mr. Brugnara understood that Judge Alsup appointed Brendon Hickey of Defender Services Inc. to represent him in this matter, but it is my understanding that Mr. Hickey has moved to withdraw. Given the urgency of the situation in light of the COVID-19 pandemic and the rules governing placement during the last 6 months of one's sentence, I am forwarding this to you to present to Judge Alsup. As reflected below, I have sent a copy to the United States Attorney. Please return a court conformed filed copy in the envelope provided and I will send it to Mr. Brugnara.

If you have any questions, as I am sheltering in place, please email me or phone me at 415-515-5897. Thank you for your anticipated cooperation.

Very truly yours,


ROBERT F. KANE

RFK/a

Encl.

cc Luke Brugnara

United States Attorney, Northern District of California, 450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102, by hand delivery

DECLARATION OF LUKE BRUGNARA

I, Luke Brugnara, declare the following true and correct under penalty of law:

- 1.) I was transferred by Bureau of Prisons (BOP) from Florence FCI to Geocare SF halfway house on June 14th 2020 to complete the final 6 mos. (-) of my sentence at RRC/homeconfinement pursuant to BOP Policy 5100.08; the First Step Act Federal Law, and A.G. Barr's BOP directive of March 26, 2020.
- 2.) I was told by my Unit Manager at Florence FCI (Cushman) and the Wardens (Jones and Carter) that the Residential Reentry Manager ("RRM") and Geocare "do not want me (Brugnara)", and that "the Warden (Carter) had to personally phone the RRM to make Geocare take me (Brugnara) because they do not want you (despite policy and the law)". This intervention by Warden Carter occurred after the RRM / Geocare delayed my halfway house commencement/placement/transfer four (4) times in 30 days; causing logistical chaos/grief for Florence FCI and me. Warden Jones and Unit Manager Cushman told me "WATCH OUT when you get to the SF halfway house, as they are looking for any reason to get rid of you". I documented this chaos, which violated BOP Policy and First Step Act Federal Law in an Emergency Motion filed with Judge Alsup June 2020, while I was at Florence FCI after the 3rd delay by RRM / Geocare.
- 3.) After arrival at Geocare SF, I was on 30 day lockdown, apparently due to unique restrictions placed solely on me, as all other Federal inmates at Geocare SF are only on 72 hour lockdown; as all Federal inmates are quarantined and COVID-tested prior to arrival at the RRC by BOP. Nevertheless, I faithfully complied with the 30 day lockdown; I never left my room except to eat and meet with staff on meetings - I was in my room 23+ hours a day.

(2)

4.) I was mercilessly bitten / attacked by dozens of bed-bugs in my room during this 30 days (28 days). I was bitten over 100+ times on my arms, legs, torso, hands, feet, buttocks. The bites were severe and left large red welts. I documented this with photographs and numerous complaints to staff. I was also subjected to constant illegal smoking (cigarettes + marijuana) by numerous residents, and some staff, all hours of the day and night. Because of my 30 day "lock down" in my room, I had no where to retreat for relief, as I was forced to be bitten by bugs day and night, as I would pick them off my body as they bit me, and breathe smoke day and night -- it was sheer misery.

5.) I documented this weekly with my psychologist Dr. Fakhro (Geocare ~~my~~ psychologist) and he told me to continue to document and complain, and file with the SF Dept. of Health.

6.) I also received help from the "Business Director / Business Office" of Geocare SF -- ~~scanning~~ scanning and emailing for me loan documents for Bayview companies; as I was / am trying to refinance / secure financing for Bayview Properties (I never pursued any personal loan). Staff was aware of my loans and actively involved in scanning / emailing from the Geocare SF email system my loan documents / materials.

7.) I met with my Unit Manager at Geocare SF on July 14, 2020 to go over my home confinement placement, as he told me the USPO will not approve Sea Cliff until the legal / IRS issue - lien is resolved -- I gave him my mother's address, and my family's address (in Tahoe) as alternatives to Sea Cliff. I explained to my Unit Mgr. that my current financing will indeed

payoff the IRS See Cliff Lien (~~the~~ 1.8M), so hope-
fully that would occur within a week or two with
the pending refinance. Notwithstanding, we proceeded
to document my family's current home address and my
mother's SF address as immediate placement for home-
confinement, as I am eligible for home confinement as
of May 27, 2020, and my 30 day lockdown was over
in 2 days... I then proceeded to complain about staff
taking my son's cell phone (which I had upon arrival at
Geocare SF and staff was/is fully aware of the phone)
from my room without cause. In fact, all (100%) of
Federal inmates have cell phones at Geocare SF, as it is
necessary for job procurement, family communications, psych-
ology appointments, etc... Also, Geocare SF shut down
their two (2) payphones, so the only way to communicate
is by cell phone. I was NEVER told that I could not
have a cell phone; in fact staff (Unit Mgr, psycholo-
gist Fahood, and others) told me to get my own cell
phone immediately... The discussion with the Unit Mgr.
became more conflicted when I began complaining about
my bed bug bites - over 100+ all over my body and that I
would get Geocare SF shut down by the S.F. Dept of
Health because of the infestation (~~my~~ my room was sprayed
down once by a 3rd Party vendor - exterminator, but did

not stop the bed bug infestation in my room. As soon as I threatened to complain to SF Dept. of Health Maria Richards, the Geocare SF director, told me (she came into the room -- she apparently was listening in the hallway) to make my calls in the conference room for now.

- 8.) I went to the Geocare conference room and called U.S. Attorney Ty Halasz in Washington DC to discuss the timing and logistics of the \$1.8M payment to the IRS from the Sea Cliff refinance. I had /have two (2) lenders who I procured, who will effectuate the payoff of the \$1.8M Sea Cliff IRS lien with a new loan.
- 9.) Maria Richards cut my call off early with U.S. Attorney Ty Halasz stating "she ~~is~~ needed to use the room".
- 10.) After I exited the conference room I was ~~taken~~ taken into custody by the U.S. Marshals for "threatening to shut down Geocare with the Dept. of Health" and "working on loans without Geocare consent". I stated, as I was being ushered from Geocare in handcuffs, that the Geocare business director was aware, and fully involved, helping with the loans, as he scanned and emailed from Geocare offices" and that they "were / are obstructing justice" because "IRS/USA is getting \$1.8M in 2 weeks".
- 11.) I have been at Santa Rita Jail in 24/7 lockdown for 30 days. This Jail is infected 20% (+/-) w/ COVID-19.

(5)

10) My family desperately needs me, as my son Luke II was in intensive-care Emergency Room hospital last week for 3+ day due to kidney and heart issues. I am supposed to be reintegrated back into my family life and the community at the end of this 84 month sentence; not confined away from my family in crisis. I cannot help my family ~~payoff~~ the IRS \$1.8M in the Santa Rosa Jail. This jail is infested heavily with D-H with deaths. (see: EAST BAY TIMES - Sheriff dies 4 weeks earlier... over 110 new cases of COVID-19 in one week). I predisposed to COVID-19 with respiratory and heart bins (fully documented with BOP). A.G. Barr mandated to keep inmates away from COVID-19 and release to RECONFINEMENT liberally to effectuate his directive. BOP/Geacore targeted me prior to arrival + Geacore SF, as per Warden Jones/Carter's warnings to me, and then retaliated against me for complaining about the illegal (smoking/marijuana)

conditions at Geocore and the C
 bed bug infestation that caused me over
 100+ (fully documented with photos and
 Scott Ritz nurse) huge, red bites all over my
 body.

13.) Per BOP Policy, First Step Act Federal Law, and
 Equal Protection Under the Law, and AG Barr's COVID-19
 March 26, 2020 directive, I am required to be on home-
 placement as of May 27, 2020 ~~when~~ I am being subjected to
 a punishment when I am supposed to be with my family
 integrating and maintaining familial bonds on my white collar
 not in a COVID-19 epidemic-infested jail doing "hard time" on the final
 245 of an 84 month sentence. That is not fair, nor equal treatment.

B3

8/77/20

My son could have died last week in
 the hospital with me not there. I can
 contract COVID-19 in this infected jail (like the
 deputy who died) and die in jail. This
 is the importance of each day of life.